

SUMMARY OF THE RESTRICTION REQUIREMENT

RECEIVED
CENTRAL FAX CENTER
MAR 20 2008

The Office Action mailed on 19 September 2007 stated as follows:

Claims 1-74 are presented for Examination.

The Patent Office identifies four purported distinct species of inventions:

Group I: Claims 1-3 (Non-abrasive sheet disk);

Group II: Claims 4-28 (Continuous abrasive sheet disk);

Group III: Claims 29-54 (Continuous abrasive sheet web);

Group IV: Claims 55-74 (Continuous abrasive rectangular sheet).

Applicants have been required to elect a single species for examination on the merits, and to identify which claims are directed towards that species.

Applicant affirms his election, with traverse as set forth in the response to the Restriction requirement as filed on 12 October 2007.

RECEIVED
CENTRAL FAX CENTER

MAR 20 2008

RESPONSE TO THE RESTRICTION REQUIREMENT

Applicants elect, **with traverse**, the subject matter of Claims 29-54.

The traversal of the restriction applies only as between Groups III and IV, with the restriction requirement against Group I (Claims 1-3) and Group II (Claims 4-28) acknowledged and accepted.

The basis of the traversal is as follows.

The subject matter of the two Groups III and IV is not patentably distinct amongst each other. The sole difference in the broadest scope of the independent claims representing these three groups is the size of the sheets (continuous versus rectangular). Applicant will expressly admit on the record that the claimed inventions "would have been obvious over each other within the meaning of 35 USC 103", and therefore restriction should not be required. *In re Lee*, 199 USPQ 108 (Comm'r Pat. 1978). See M.P.E.P. Section 803.

There is no separate and distinct patentability as between a rectangular sheet of a specific material and a continuous sheet (e.g., roll) of that same material.

All of claims 4-74 should therefore be examined on the merits.

SUMMARY OF THE OFFICE ACTION

The restriction requirement has been made FINAL.

Claims 29-36 have been rejected under 35 USC 112, second paragraph because of the ambiguous term "polymer start" in claim 29.

Claims 29-54 have been rejected under 35 U.S.C. 103(a) as unpatentable over Published Application Document US 2003/0022604 (Annen).

ARGUMENTS AND RESPONSE TO THE OFFICE ACTIONRECEIVED
CENTRAL FAX CENTER

MAR 20 2008

The restriction requirement has been made FINAL.

Applicant reserves the right to file a divisional application with respect to the non-elected subject matter.

Claims 29-36 have been rejected under 35 USC 112, second paragraph because of the ambiguous term "polymer start" in claim 29.

The typographic error in claim 1 has been amended. This rejection no longer applies to the claims.

Claims 29-54 have been rejected under 35 U.S.C. 103(a) as unpatentable over Published Application Document US 2003/0022604 (Annen).

The Annen Application has a priority date (as continuation-in-part Application) that provides an available reference date based on the claim under 35 USC 120 of "This is a continuation-in-part of U.S. patent application Ser. No. 09/850,661, filed May 7, 2001, incorporated herein by reference."

The present application as filed has a priority date as filed claimed as:

"This invention is a continuation-in-part of U.S. Patent Application Number 10/816,275, filed August 16, 2004, which is a continuation-in-part of U.S. Patent Application Number 10/824,107, filed April 14, 2004, which in turn is a continuation-in-part of U.S. Patent Application Number 10/418,257, filed April 16, 2003, now Abandoned, which is a continuation-in-part of U.S. Patent Application Number 10/015,478, filed December 13, 2001, now U.S. Patent Number 6,752,700, which is a continuation-in-part of U.S. Patent Application Number 09/715,448, filed November 17, 2000, now U.S. Patent Number 6,769,969, and which applications are incorporated herein by reference."

CLAIM 29	US Patent No. 6,769,969	Comments
A flexible, continuous abrasive sheet web comprising	A flexible, continuous abrasive sheet disk comprising a flexible backing sheet – Claim 29	<u>Clear antecedent basis in priority application</u>
a flexible polymeric sheet or flexible metal backing web sheet having	Claim 31 - the backing sheet is made of a metal, composite or polymeric material.	<u>Clear antecedent basis in priority application</u>
a full web width array of raised abrasive structures,	<u>Claim 44</u> - A flexible, continuous abrasive sheet web comprising a flexible backing web sheet with an full web width band of raised abrasive particles	<u>Clear antecedent basis in priority application</u>
the abrasive structures comprising islands of a first structural material having a raised flat top surface,	<u>Claim 39</u> - hard abrasive particles are attached to the island base foundation top flat surfaces	<u>Clear antecedent basis in priority application</u>
the top surface having at least a monolayer of abrasive particles or abrasive agglomerates supported in a polymeric resin,	<u>Abstract</u> - abrasive sheet materials with island distributions of abrasive particles, processes for manufacture of abrasive sheet materials with minimized abrasive content (with monolayers and as few as four layers of abrasive particles),	<u>Clear antecedent basis in priority application</u>
wherein the heights of all islands measured from the raised flat top surface of the abrasive coated islands to an island-side flat surface of the web backing sheet have a standard deviation in abrasive particle coated islands height of less than 0.01 mm.	<u>Claim 20</u> - wherein the standard deviation in said height and said thickness is less than 0.01 mm.	<u>Clear antecedent basis in priority application</u>

As can be seen from the claim mapping chart for claim 29, the first independent claim in the present application, that claim find essentially literal antecedent basis for each and every limitation in the earliest priority document under 35USC120, now issued US Patent No. 6,769,969. As such, the Annen Patent is not available prior art against the present application. Applicant has clearly established under 35 USC 120 a priority date for the claimed technology

more than 5 months earlier than the Annen reference earliest available reference date.

The rejection must therefore be withdrawn as a matter of Law.

The rejection of claims 29-54 under 35 USC 102(a) is untenable. All claims under examination must be allowed.

RECEIVED
CENTRAL FAX CENTER

MAR 20 2008

REMARKS

Applicant respectfully requests that this amendment and response be entered into the record and that the rejections of record be withdrawn, the claims under examination be allowed and the application passed to issue.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Mark A. Litman at (952) 832-9090.

Respectfully submitted,

WAYNE O. DUESCHER.

By His Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205
3209 West 76th Street
Edina, Minnesota 55435
(952) 832-9090

Date: 20 March 2008

By: 

Mark A. Litman

Reg. No. 26,390